

### **REMARKS**

Claims 1-83 remain pending in the present application. Claims 1, 18, 37, 52 and 66 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-83 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The term “externally observable action” was used to describe an action that is observable by some external entity other than the server or the mobile. Applicant has deleted the terms “externally observable”.

The term “external observer” was used to define any entity external to and other than the server and the mobile. The specification uses the term “a third party” as the external observer and Applicant has amended the claims to refer the third party. In paragraph 20 on page 8, the specification discusses that the context-based monitoring is split between the sever and the mobile to maintain a desired level of privacy. The paragraph continues on page 9 to define that the third party advertiser may send an ad for a store but the third party would not know exactly where the mobile is located thus protecting the privacy of the mobile.

Thus, Applicant believes independent Claims 1, 18, 37, 52 and 66 patentably distinguish over the art of record. Likewise, Claims 2-17, 19-36, 38-51, 53-65 and 67-83, which ultimately depend from one of the independent claims, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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